

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE

_____	:	
ANTHONY BUSSIE,	:	
	:	Civ. Action No. 14-2932 (RMB)
Petitioner,	:	
	:	
v.	:	
	:	
UNITED STATES OF AMERICA,	:	
	:	
Respondent.	:	
_____	:	
	:	
UNITED STATES OF AMERICA,	:	Crim. Action No. 12-0229 (RMB)
	:	
Plaintiff,	:	
	:	
v.	:	<u>APPLIES TO BOTH ACTIONS</u>
	:	
ANTHONY BUSSIE,	:	
	:	
Defendant.	:	
_____	:	

This matter comes before the Court upon an application filed by Anthony Bussie ("Petitioner") and styled as a § 2255 motion seeking to vacate, set aside, or correct Petitioner's yet to be imposed sentence in his currently pending criminal matter, United States of America v. Bussie, Crim. Action No. 12-0229. See Bussie v. United States, Civil Action No. 14-2932, Docket Entry No. 1; United States v. Bussie, Crim. Action No. 12-0229, Docket Entry dated May 8, 2014 (replicating the same motion).

Petitioner was indicted for knowingly and willfully threatening to assault a Congressman. See United States v.

Bussie, Crim. Action No. 12-0229, Docket Entry 14. On April 18, 2012, this Court held Petitioner's § 4247(d) competency hearing. See id., Docket Entry No. 15. During the hearing, both parties moved for finding Petitioner incompetent to stand trial on the basis of conclusions reached by a forensic psychology expert who examined Petitioner. See id., Docket Entry No. 17. This Court granted the parties' joint application and placed Petitioner in temporary custody with the goal of restoring him to competency. See id. As of now, Petitioner is still in the process of being transferred to Butner Federal Medical Center for treatment. Prior to being treated, he has he commenced numerous civil rights and § 2255 habeas actions. See, e.g., Bussie v. Evans, Civil Action No. 13-4316; Bussie v. United States, Civil Action No. 14-2307; Bussie v. New Jersey, Civil Action No. 14-2719; Bussie v. United States, Civil Action No. 14-2932; see also Bussie v. Bush, Civil Action No. 09-6516 (commenced pre-treatment); Bussie v. Bush, Civil Action No. 10-4555 (same); Bussie v. Bush, Civil Action No. 10-4594 (same); Bussie v. United States, Civil Action No. 11-0098 (same); accord Conjured up Entertainment v. United States, Civil Action No. 11-11475 (commenced pre-treatment on behalf of an juridical entity and upon assertion that the United States owed Petitioner \$55 million for intelligence he provided to President Bush); Conjured up Entertainment v. United States, Civil Action No. 11-1854 (same); Conjured up Entertainment v.

United States, Civil Action No. 11-2076 (same); Conjured up Entertainment v. United States, Civil Action No. 11-2322 (same); Conjured up Entertainment v. United States, Civil Action No. 11-2824 (same); Conjured up Entertainment v. United States, Civil Action No. 11-2751 (same); Conjured up Entertainment v. Clinton, Civil Action No. 12-1894 (same, as to President Clinton).

Petitioner's above-cited civil rights matters have been dismissed for failure to state a claim and terminated until his restoration to competency. See, e.g., Bussie v. New Jersey, Civil Action No. 14-2719, Docket Entry No. 2.¹ His § 2255 habeas claims have been dismissed as premature. See, e.g., Bussie v. United States, Civil Action No. 14-2307, Docket Entry No. 4; accord 28 U.S.C. § 2255(a) (only a "prisoner in custody *under sentence* of a court . . . claiming . . . that the sentence *was imposed* in violation of the Constitution or laws of the United States" may raise his

¹ No Rule 17(c) pro bono counsel analysis, as detailed in Powell v. Symons, 680 F.3d 301, 307 (3d Cir. 2012), was required for the purposes of Petitioner's civil matters since: (a) the allegations raised in those matters were based on Petitioner's criminal prosecutions in state and federal fora rather than on his conditions of confinement; and (b) all his challenges to his penal actions could be either litigated in those criminal matters or in civil matters commenced upon Petitioner's restoration to competency. See N.J. Stat. Ann. § 2A:14-21 (providing statutory tolling of civil claims on the bases of minority and insanity); see also Wallace v. Kato, 549 U.S. 384, 387-88 (2007) (civil rights claims are best characterized as personal injury actions and, thus, are governed by the applicable state's statute of limitations); O'Connor v. City of Newark, 440 F.3d 125, 126-27 (3d Cir. 2006) (New Jersey personal injury statute of limitations applies to the claims raised under § 1983 or under Bivens).

challenges under § 2255) (emphasis supplied). Mindful of Petitioner's competency, this Court finds an imposition of sanctions upon Petitioner inappropriate. See Hoffenberg v. Bumb, 446 F. App'x 394, 400, n.4 (3d Cir. N.J. 2011) (sanctions might be inappropriate if the "record before this Court as to [the litigant's] mental health offers an[] explanation for his actions in this proceeding, or in [his] other proceedings"). However, in the interest of judicial economy, this Court will direct the Clerk to terminate all Petitioner's future § 2255 actions if such are commenced prior to the entry of his penal sentence in United States v. Bussie, Crim. Action No. 12-0229.

IT IS, therefore, on this 12th day of May 2014,

ORDERED that Petitioner's Section 2255 motion, docketed as Docket Entry No. 1 in Bussie v. United States, Civil Action No. 14-2932, is dismissed as unripe; and it is further

ORDERED that no certificate of appealability shall issue as to Bussie v. United States, Civil Action No. 14-2932, since jurists of reason would not find it debatable that this Court was correct in its procedural ruling, see Slack v. McDaniel, 529 U.S. 473, 484(2000); and it is further

ORDERED that the Clerk shall close the file on Bussie v. United States, Civil Action No. 14-2932, by making a new and separate docket entry reading, "CIVIL CASE CLOSED"; and it is further

ORDERED that, in the event Petitioner submits additional Section 2255 motions (either directly or by means of supplemental filings in United States v. Bussie, Crim. Action No. 12-0229), and such submissions are made prior to the entry of the final judgment in United States v. Bussie, Crim. Action No. 12-0229, the Clerk shall commence a new and separate Section 2255 action on the basis of each such submission and close each such newly commenced matter by making a docket entry reading, "CIVIL CASE CLOSED. PETITIONER'S SECTION 2255 MOTION IS DISMISSED AS UNRIPE PURSUANT TO THE ORDER ENTERED IN BUSSIE v. UNITED STATES, CIVIL ACTION No. 14-2932"; and it is finally

ORDERED that the Clerk shall serve this Memorandum Opinion and Order upon Petitioner by regular U.S. mail and upon the plaintiff in United States v. Bussie, Crim. Action No. 12-0229, by means of electronic delivery.

s/Renée Marie Bumb
RENÉE MARIE BUMB
United States District Judge